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Notice of Allowability	Application No.	Applicant(s)	
	10/567,885	DEWEY ET AL.	
	Examiner	Art Unit	
	John Sipos	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/07.
2. ☒ The allowed claim(s) is/are 47-63,65-82,84-86 and 88-101.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/John Sipos/
 Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. M. P. Dolce on September 20, 2007.

Claims 47,50,53,56,59,61,65,69,70,74,79,84 and 86 have been amended and rewritten as follows:

47. An apparatus for sealing food containers using a sealing film, the apparatus comprising:
- a base;
 - a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;
 - a heater platen positioned within the base;
 - a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base; and
 - a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing ~~position~~position;
- the container holder including a curved section configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container.

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50. ~~The apparatus of claim 47, further comprising:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base;

a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base;

a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position; and

a bracket mounted on the heater platen for extending over the cam;

wherein as the handle is rotated to the loading position, the cam engages the bracket to thereby lift the heater platen from the sealed food container.

53. ~~The apparatus of claim 52, wherein:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base;

a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base; and

a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position;

the handle comprising a pair of side arms each having a base end and a distal end, the handle further comprising a handle member extending between the distal ends of the side arms, the base ends of the side arms being held to the base by a pair of pins aligned on a common axis such that the handle may be rotated about the common axis; and

the cam being positioned between the base ends of the side arms;

wherein the cam is a cylinder having a central axis, and wherein the cam is mounted between the base ends of the side arms such that the central axis of the cylinder is parallel to, but not coaxial with, the common axis whereby the cylinder is rotated about the common axis as the handle is rotated.

56. ~~The apparatus of claim 55, further comprising:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base;

a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base;

a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position;

the base comprising two substantially vertical side panels, wherein the cam is mounted between the side panels; and

a pair of guides extending vertically from opposite sides of the heater platen, the side panels of the base each have elongated opposing grooves on inner surfaces thereof, the opposing grooves extending substantially vertically to receive the guides such that the guides and the heater platen are vertically slidable within the base.

59. ~~The apparatus of claim 57, further comprising:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base;

a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base;

a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position;

the base comprising two substantially vertical side panels, wherein the cam is mounted between the side panels;

the side panels each having elongated opposing grooves on inner surfaces thereof, the opposing grooves extending substantially horizontally and opening to a front of the base to receive side edges of the container holder such that the container holder is horizontally slidable within the base; and

a pair of guides extending vertically from opposite sides of the heater platen, the side panels of the base each having elongated opposing grooves on inner surfaces thereof, the opposing grooves extending substantially vertically to receive the guides such that the guides and the heater platen are vertically movable within the base above the container holder.

61. ~~The apparatus of claim 47, wherein:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base;

a handle rotatably attached to the base to rotate between a loading position and a sealing position, the handle having a cam within the base; and

a pressure applicator positioned between a portion of the cam and a surface of the heater platen whereby, as the handle is rotated, the cam rotates and presses against the pressure applicator, which, in turn, applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position;

wherein the container holder comprises a metal sheet having top and bottom surfaces and at least one opening through the metal sheet circumscribed by an inner edge extending between the top and bottom surfaces, the container holder further comprising a resilient gasket having a thickness greater than that of the metal sheet and having a groove formed therein for receiving the inner edge so as to contact both the top and bottom surfaces of the metal sheet and to line the opening to provide an upper support surface above the top surface of the metal sheet upon which portions of the food container are supported, the supported portions of the food container corresponding to locations where the sealing film is to be sealed to the food container.

65. The apparatus of ~~claim 64~~claim 47, wherein:

the container holder includes a hold down for holding down an end of the sealing film, the hold down being located adjacent a step such that the end of the sealing film is flipped upward against the hold down and the step.

69. An apparatus for sealing food containers using a sealing film, the apparatus comprising:
a base;

a container holder for holding a food container, the container holder is configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;

a heater platen positioned within the base; and

a pressure applicator positioned on a surface of the heater platen wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into

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engagement with the sealing film to thereby seal the sealing film to portions of the food container.

wherein the container holder is configured to be moved relative to the base between a loading position and a sealing position.

70. ~~The apparatus of claim 69, wherein:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;

a heater platen positioned within the base; and

a pressure applicator positioned on a surface of the heater platen wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container;

wherein the container holder comprises a metal sheet having top and bottom surfaces and at least one opening through the metal sheet circumscribed by an inner edge extending between the top and bottom surfaces, the container holder further comprising a resilient gasket having a thickness greater than that of the metal sheet and having a groove formed therein for receiving the inner edge so as to contact both the top and bottom surfaces of the metal sheet and to line the opening to provide a an upper support surface above the top surface of the metal sheet upon which portions of the food container are supported, the supported portions of the food container corresponding to locations where the sealing film is to be sealed to the food container.

74. ~~The apparatus of claim 73, wherein:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container, the container holder is configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;

a heater platen positioned within the base; and
a pressure applicator positioned on a surface of the heater platen wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container;

the container holder including a curved section configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;

wherein the container holder includes a hold down for holding down an end of the sealing film, the hold down being located adjacent a step such that the end of the sealing film is flipped upward against the hold down and the step.

79. An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container;

a heater platen positioned within the base;

a pressure applicator positioned on a surface of the heater platen, wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container; and

a cutting blade mounted in front of the heater platen for cutting the sealing film;

the container holder including a curved section configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;
and

the container holder being configured to be moved relative to the base between a loading position and a sealing position.

84. ~~The apparatus of claim 83, wherein:~~ An apparatus for sealing food containers using a sealing film, the apparatus comprising:

a base;

a container holder for holding a food container;

a heater platen positioned within the base;

a pressure applicator positioned on a surface of the heater platen, wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container; and

a cutting blade mounted in front of the heater platen for cutting the sealing film;
the container holder including a curved section configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container;
wherein the container holder includes a hold down for holding down an end of the sealing film, the hold down being located adjacent a step such that the end of the sealing film is flipped upward against the hold down and the step.

86. An apparatus for sealing food containers using a sealing film, the apparatus comprising:
a base;

a container holder for holding a food container, the container holder is configured to be moved relative to the base between a loading position and a sealing position;

a heater platen positioned within the base; and

a pressure applicator positioned on the heater platen wherein the pressure applicator applies pressure to the heater platen causing the heater platen to move into engagement with the sealing film to thereby seal the sealing film to portions of the food container when the container holder is in the sealing position, wherein the pressure applicator includes a resilient member for applying resilient pressure to the heater platen;

wherein the heater platen comprises a metal plate and a heater blanket provided on an upper surface of the metal ~~plate~~.plate; and

wherein the container holder includes a curved section configured to hold a roll of the sealing film such that a portion of the sealing film may be unrolled and pulled over the food container.

Claims 64 and 83 have been cancelled.

Applicant's representative authorized the charge of any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-2463 .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

The **FAX** number for U.S. Patent and Trademark Office is **(571) 273-8300**.

**/John Sipos/
Primary Examiner
Art Unit 3721**